



15750 U.S. PTO

**CUSTOMER NUMBER 25268**5870 U.S. PTO  
10/822170**UTILITY PATENT APPLICATION AND FEE TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

**INCOMPLETE**

Attorney Docket No. BIOL0082

Date: April 9, 2004

Inventor(s): William E. Ortyn, Michael J. Seo, David A. Basiji, Keith L. Frost, and David J. Perry

Title      **AUTO FOCUS FOR A FLOW IMAGING SYSTEM**FULL NAME OF 1<sup>ST</sup> NAMED INVENTOR: William E. Ortyn COUNTRY OF CITIZENSHIP: USRESIDENCE ADDRESS OF INVENTOR: 11546 Matsu Place, Bainbridge Island, Washington 98110FULL NAME OF 2<sup>ND</sup> NAMED INVENTOR: Michael J. Seo COUNTRY OF CITIZENSHIP: USRESIDENCE ADDRESS OF INVENTOR: 8120 S.E. 77<sup>th</sup> Place, Mercer Island, Washington 98040FULL NAME OF 2<sup>ND</sup> NAMED INVENTOR: David A. Basiji COUNTRY OF CITIZENSHIP: USRESIDENCE ADDRESS OF INVENTOR: 6538 Greenwood Avenue North, Seattle, Washington 98103FULL NAME OF 2<sup>ND</sup> NAMED INVENTOR: Keith L. Frost COUNTRY OF CITIZENSHIP: USRESIDENCE ADDRESS OF INVENTOR: 1912 - 8<sup>th</sup> Avenue West, Seattle, Washington 98119FULL NAME OF 2<sup>ND</sup> NAMED INVENTOR: David J. Perry COUNTRY OF CITIZENSHIP: USRESIDENCE ADDRESS OF INVENTOR: 24017 107th Drive SE, Woodinville, Washington 98072**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

 Commissioner for Patents  
 Mail Stop Patent Application  
 Alexandria, VA 22313-1450

1.  Fee Transmittal (BELOW)
2.  Applicant(s) claims small entity status. See 37 C.F.R. § 1.27.
3.  Specification [Total Pages 50]
4.  Drawing(s) (35 U.S.C. 113) [Total Sheets 35] {**FORMAL**}
5.  Oath or Declaration [Total Pages       ]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 C.F.R. § 1.63(d)) (for continuation/divisional with Box 17 completed) [Note Item 5 below]
    - ii.  **DELETION OF INVENTOR(S)**

Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

6.  Application Data Sheet. See 37 C.F.R. § 1.76

7.  CD-ROM or CD-R in duplicated, large table or Computer Program (Appendix)

8.  Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)  
a.  Computer Readable Form (CRF)   b.  Specification Sequence Listing on:  i. CD-ROM or CD-R (2 copies); or  ii. Paper   c.  Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))

10.  37 C.F.R. § 3.73(b) Statement (when there is an assignee) \_\_\_\_\_ Power of Attorney

11.  English Translation Document (if applicable)

12.  Information Disclosure Statement (IDS)/PTO-1449 \_\_\_\_\_ Copies of IDS Citations

13.  Preliminary Amendment

14.  Return Receipt Postcard (MPEP 503) (Should be itemized specifically)

15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)

16.  **NONPUBLICATION REQUEST: Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.**

17.  Other: \_\_\_\_\_

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment:  
 Continuation  Divisional  Continuation-in-part (CIP) \_\_\_\_\_ of prior application No: \_\_\_\_\_ / \_\_\_\_\_

Prior application information: Examiner: \_\_\_\_\_ Group / Art Unit: \_\_\_\_\_

This application is based on a prior co-pending provisional application, Serial No. 60/462,574, filed on April 11, 2003 and is further a continuation-in-part of a prior co-pending conventional application, Serial No. 10/348,193, filed on January 16, 2003, which itself is a continuation-in-part of a prior co-pending conventional application, Serial No. 09/939,292, filed on August 24, 2001, which itself is based on a prior co-pending provisional application, Serial No. 60/228,076, filed on August 25, 2000, the benefit of the filing dates of all of which are hereby claimed under 35 U.S.C. § 119(e) and 35 U.S.C. § 120, as appropriate.

For **CONTINUATION OR DIVISIONAL APPLICATIONS** only: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference therein. This incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

Correspondence address below:

Michael C. King  
LAW OFFICES OF RONALD M. ANDERSON  
600 - 108th Avenue N.E., Suite 507  
Bellevue, WA 98004  
Telephone: 425-688-8816      Facsimile: 425-646-6314

FEE TRANSMITTAL														
<b>METHOD OF PAYMENT</b> (check one)		<b>FEE CALCULATION (continued)</b>												
<input type="checkbox"/> The Director is hereby authorized to charge indicated fees and credit any over payments to:  Deposit Account Number _____ Deposit Account Name: _____ <input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 & 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance		<b>3. ADDITIONAL FEES (Continued)</b>  Fee Description                                  Fee Paid Requesting publication of SIR after Examiner action  Extension for reply within first month  Extension for reply within second month  Extension for reply within third month  Extension for reply within fourth month  Extension for reply within fifth month  Notice of Appeal  Filing a brief in support of an appeal  Request for oral hearing  Petition to institute a public use proceeding  Petition to revive – unavoidable  Petition to revive - unintentional  Utility issue fee (or reissue)  Design issue fee   Plant issue fee  Petitions to the Director  Petitions related to provisional applications  Submission of Information Disclosure Statement  Recording each patent assignment per property (times number of properties)  Submission after final rejection (37 C.F.R. 1.129(a))  Add'l invention to be examined (37 CFR 1.129(b))  Other fee (specify)												
<b>2. Payment Enclosed:</b> <input type="checkbox"/> Check (No. _____) <input type="checkbox"/> Money Order <input type="checkbox"/> Other <b>X Payment NOT Enclosed</b>														
<b>FEE CALCULATION</b>														
<b>1. BASIC FILING FEE</b> <table border="1"> <thead> <tr> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Utility filing fee</td> <td>\$ 385</td> </tr> <tr> <td>Design filing fee</td> <td></td> </tr> <tr> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>Provisional filing fee</td> <td></td> </tr> </tbody> </table>			Fee Description	Fee Paid	Utility filing fee	\$ 385	Design filing fee		Plant filing fee		Reissue filing fee		Provisional filing fee	
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<b>2. EXTRA CLAIM FEES</b> <table border="1"> <thead> <tr> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>-20 =</td> <td>x \$9 = \$</td> </tr> <tr> <td>Independent Claims</td> <td>- 3 =</td> <td>x \$43 = \$</td> </tr> <tr> <td>Multiple Dependent</td> <td>-0-</td> <td>x \$145 = \$</td> </tr> </tbody> </table>			Extra Claims	Fee from below	Fee Paid	Total Claims	-20 =	x \$9 = \$	Independent Claims	- 3 =	x \$43 = \$	Multiple Dependent	-0-	x \$145 = \$
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<b>SUBTOTAL (2)</b>		<b>\$</b>												
<b>FEES (SUBTOTALS (1)+(2))</b>		<b>\$</b>												
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<b>TOTAL FEES ENCLOSED: (1)+(2)+(3)</b>		<b>\$ -0-</b>												

Typed/Printed Name

Ronald M. Anderson

Registration Number: 28,829

Signature

Date: April 9, 2004

## EXPRESS MAIL CERTIFICATE

Express Mail Label No. EV304035989US

Date of Deposit: April 9, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, Virginia 22313-1450.

Kathy Paulino

(Name of person mailing paper/fee)

(Signature of person mailing paper or fee)